### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Estevez Art Unit: 2627

Serial No.: 09/998,726 Confirmation No.: 7169 Filed: December 3, 2001 Examiner: Tan S. Dinh

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For: REMOVABLE FACE PLATE COMPRESSED DIGITAL MUSIC PLAYER

# Appeal Brief under 37 C.F.R. §41.37

Board of Patent Appeals and Interferences United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This is Appellant's Appeal Brief filed pursuant to 37 C.F.R. §41.37 and the Notice of Appeal filed July 17, 2006. An Extension of Time for (1) month is being requested with this filing.

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### Real Party in Interest

The real party in interest in this application is Texas Instruments Incorporated, a corporation of Delaware with its principle place of business in Dallas, Texas. An assignment to Texas Instruments Incorporated is recorded at reel 01234 and frames 0662 and 0663.

### Related Appeals and Interferences

There are no appeals of interferences related to this appeal in this application.

### Status of the Claims

Claims 13, 14, 25, 26 and 30 to 44 are pending in this application. Claims 13, 14, 25, 26, 30 to 37, 40 to 43 and 44 are rejected and subject to this appeal. Claims 38, 39 and 43 are allowed. Claims 1 to 12, 15 to 24 and 27 to 29 are canceled.

### Status of Amendments Filed After Final Rejection

No amendments to the claims were proposed following the FINAL REJECTION of April 25, 2006.

## Summary of Claimed Subject Matter

This invention is a music system including a self-contained, portable music player and a base unit, the self-contained, portable music player alone and the base unit alone.

Independent claim 13 recites the combination of a self-contained, portable music player (page 3, lines 24 to 26, FACE, Figure 1) and a base unit (page 3, lines 27 to 29, BASE, Figure 1). The self-contained, portable music player includes: a rechargeable battery pack for powering the music player (page 6, lines 15 to 20, 105); an input device including at least a keypad for receiving user inputs (page 5, lines 3 to 8, 101); an output device including a display (page 5, lines 3 to 5 and lines 10 to 14, 101); a memory capable of storing digital music in at least one compressed digital format (page 6, lines 9 to 14, 104); a

data processor (page 5, lines 15 to 18, 102) programmed to decompress the digital music; an audio coder-decoder (page 6, line 21 to page 7, line 8, 106) connected to the data processor for receiving the uncompressed digital music samples and converting them into analog music; a headset connector (page 6, lines 24 and 25) connected to said audio coder-decoder for supplying said analog music to a headset earphone (page 6, lines 21 to 25, 107); and a first base connector having a first power connection connected to the rechargeable battery pack capable of receiving charging power (page 6, lines 16 to 18), a player analog output connection (page 6, lines 25 to 28, 121) connected to said audio coder-decoder for supplying said analog music, and an analog input connection connected to said audio coder-decoder for receiving an analog input (page 7, lines 24 to 26, 119). base unit includes: a second base connector having a second power connection for connection to the first power connection, (page 7, lines 24 to 26, 119) connection for analog input connection to the player analog output connection, a base unit analog output connection (page 6, lines 25 to 28, 121) for connection to the player analog input connection; a power source (112) connected to the second power connection for supplying recharging power for rechargeable battery pack (page 7, lines 16 to 18); a pre-amplifier (page 6, lines 25 to 28 and page, 7, line 30 to page 8, line 2, 108) having an input connected to the analog input connection and an output; a power amplifier (page 6, lines 25 to 28, 109) having an input connected to the output of the pre-amplifier and an output; a tuner (page 7, lines 18 to 20, 118) for receiving and demodulating analog audio signals and these analog audio signals to the base unit analog output connection; and a speaker system (page 6, lines 25 to 28, 117) connected to the output of the power amplifier for reproducing sound. The music system operates in: a portable mode with the self-contained, portable music player disconnected from base unit and powered by the rechargeable battery pack, enabling a user to listen to selected digital music stored in the memory via the headset connector earphone; and in a base mode with the self-contained, portable music player connected to base unit and powered from the power source, enabling a user to listen to selected digital music stored in the memory via the speaker system and enabling a user to listen to music from the tuner supplied to the analog input connection.

Independent claim 25 recites only the base unit including: a base connector having a second power connection for connection to the first power connection, an analog input (page 7, lines 24 to 26, 119) connection for connection to the player analog output connection, a base unit analog output connection (page 6, lines 25 to 28, 121) for connection to the player analog connection; a power source (112) connected to the second power connection for supplying recharging power for rechargeable battery pack (page 7, lines 16 to 18); a pre-amplifier (page 6, lines 25 to 28 and page, 7, line 30 to page 8, line 2, 108) having an input connected to the analog input connection and an output; a power amplifier (page 6, lines 25 to 28, 109) having an input connected to the output of the pre-amplifier and an output; a tuner (page 7, lines 18 to 20, 118) for receiving and demodulating analog audio signals and these analog audio signals to the base unit analog output connection; and a speaker system (page 6, lines 25 to 28, 117) connected to the output of the power amplifier for reproducing sound.

Independent claim 36 recites a self-contained, portable music player including: a rechargeable battery pack for powering the music player (page 6, lines 15 to 20, 105); an input device including at least a keypad for receiving user inputs (page 5, lines 3 to 8, 101); an output device including a display (page 5, lines 3 to 5 and lines 10 to 14, 101); a memory capable of storing digital music in at least one compressed digital format (page 6, lines 9 to 14, 104); a data processor (page 5, lines 15 to 18, 102) programmed to decompress the digital music and to cooperate with the input device enabling a user to enter volume control data via said keypad (page 5, lines 5 to 8, page 6, line

28 to page 7, line 1 and original claim 2, lines 3 to 5, original claim 14, lines 2 to 4); an audio coder-decoder (page 6, line 21 to page 7, line 8, 106) connected to the data processor for receiving the uncompressed digital music samples and converting them into analog music; a headset connector (page 6, lines 24 and 25) connected to said audio coder-decoder for supplying said analog music to a headset earphone (page 6, lines 21 to 25, 107); and a first base connector having a first power connection connected to the rechargeable battery pack capable of receiving charging power (page 6, lines 16 to 18), a player analog output connection (page 6, lines 25 to 28, 121) connected to said audio coder-decoder for supplying said analog music, an analog input connection connected to said audio coder-decoder for receiving an analog input (page 7, lines 24 to 26, 119) and a volume control data output connection (page 6, line 28 to page 7, line 1, 114, 115).

Independent claim 40 is a base unit for use with a selfcontained, portable music player including: a base connector having a second power connection for connection to the first power connection, an analog input (page 7, lines 24 to 26, 119) connection for connection to the player analog output connection, a base unit analog output connection (page 6, lines 25 to 28, 121) for connection to the player analog input connection; a power source (112) connected to the second power connection for supplying recharging power for rechargeable battery pack (page 7, lines 16 to 18) and a volume control data input connection (114, 115) to receive volume control data (page 6, line 28 to page 7, line 1, 114, 115); a pre-amplifier (page 6, lines 25 to 28 and page, 7, line 30 to page 8, line 2, 108) having an input connected to the analog input connection and an output, the preamplifier receiving the volume control data (page 6, lines 28 to page 7, line 1); a power amplifier (page 6, lines 25 to 28, 109) having an input connected to the output of the pre-amplifier and an output; and a speaker system (page 6, lines 25 to 28, 117) connected to the output of the power amplifier for reproducing sound. The music system operates in: a portable mode with the self-contained, portable music player disconnected from base unit and powered by the rechargeable battery pack, enabling a user to listen to selected digital music stored in the memory via the headset connector earphone; and in a base mode with the self-contained, portable music player connected to base unit and powered from the power source, enabling a user to listen to selected digital music stored in the memory via the speaker system and enabling a user to listen to music from the tuner supplied to the analog input connection. The base unit has no input for volume control.

Independent claim 42 is self-contained, portable music player including: a rechargeable battery pack for powering the music player (page 6, lines 15 to 20, 105); an input device including at least a keypad for receiving user inputs (page 5, lines 3 to 8, 101); an output device including a display (page 5, lines 3 to 5 and lines 10 to 14, 101); a memory capable of storing digital music in at least one compressed digital format (page 6, lines 9 to 14, 104); a data processor (page 5, lines 15 to 18, 102) programmed to decompress the digital music and to cooperate with the input device enabling a user to enter station selection data via a keypad (page 7, lines 20 to 24); an audio coder-decoder (page 6, line 21 to page 7, line 8, 106) connected to the data processor for receiving the uncompressed digital music samples and converting them into analog music; a headset connector (page 6, lines 24 and 25) connected to said audio coder-decoder for supplying said analog music to a headset earphone (page 6, lines 21 to 25, 107); and a first base connector having a first power connection connected to the rechargeable battery pack capable of receiving charging power (page 6, lines 16 to 18), a player analog output connection (page 6, lines 25 to 28, 121) connected to said audio coder-decoder for supplying said analog music, an analog input connection connected to said audio coder-decoder for receiving an analog input (page

7, lines 24 to 26, 119) and a station selection data output connection (page 7, lines 20 to 24, 114, 115).

Independent claim 44 is a base unit for use with a selfcontained, portable music player including: a base connector having a second power connection for connection to the first power connection, an analog input (page 7, lines 24 to 26, 119) connection for connection to the player analog output connection, a base unit analog output connection (page 6, lines 25 to 28, 121) for connection to the player analog input connection; a power source (112) connected to the second power connection for supplying recharging power for rechargeable battery pack (page 7, lines 16 to 18) and a station selection data input connection (114, 115) to receive volume control data (page 6, line 28 to page 7, line 1, 114, 115); a pre-amplifier (page 6, lines 25 to 28 and page, 7, line 30 to page 8, line 2, 108) having an input connected to the analog input connection; a tuner (page 7, lines 18 to 20, 118) for receiving and demodulating analog audio signals and these analog audio signals to the base unit analog output connection, the tuner making station corresponding to the station selection data (page 7, lines 20 to 24); a power amplifier (page 6, lines 25 to 28, 109) having an input connected to the output of the pre-amplifier and an output; and a speaker system (page 6, lines 25 to 28, 117) connected to the output of the power amplifier for reproducing sound. music system operates in: a portable mode with the selfcontained, portable music player disconnected from base unit and powered by the rechargeable battery pack, enabling a user to listen to selected digital music stored in the memory via the headset connector earphone; and in a base mode with the selfcontained, portable music player connected to base unit and powered from the power source, enabling a user to listen to selected digital music stored in the memory via the speaker system and enabling a user to listen to music from the tuner supplied to the analog input connection. The base unit has no input for station selection.

# Grounds for Rejection to be Reviewed on Appeal

- (1) Claims 13, 14, 30, 31, 36, 37 and 42 are rejected under 35 U.S.C. 102(e) as anticipated by Min-Jae U.S. Patent No. 6,222,807.
- (2) Claims 26, 32 to 35 and 44 are rejected under 35 U.S.C. 103(a) as made obvious by Min-Jae U.S. Patent No. 6,222,807.

#### Arguments

(1) Claims 13, 14, 30, 31, 36, 37 and 42 were rejected under 35 U.S.C. 102(e) as anticipated by Min-Jae U.S. Patent No. 6,222,807.

Claims 13 and 25 recite subject matter not anticipated by Min-Jae. Claim 13 recites "an analog input connection connected to said audio coder-decoder for receiving an analog input" and "a base unit analog output connection for connection to said analog input connection of said first base connector." Claim 25 recites "a base unit analog output connection connected to said tuner to output demodulated analog audio signals." These limitations require an analog signal output from the base unit (as recited in claims 13 and 25) and an analog input to the portable music player (as recited in claim 13). The FINAL REJECTION incorporates the reasoning of the OFFICE ACTION of November 15, 2005. The OFFICE ACTION of November 15, 2005 states at page 5, lines 1 to 5 that Min-Jae discloses:

"An analog output connection connected to said audio coder-decoder for supplying analog music to an external base unit for amplification and reproduction via speakers (Fig. 3, D/A converter 33, amplifier 34 and Speaker 35)"

This statement is incorrect. The D/A converter 33, amplifier 34 and speaker 35 illustrated in Figure 3 of Min-Jae are part of recording/playback apparatus 10 and not part of portable apparatus 50. The portions of Min-Jae cited in the OFFICE ACTION of November 15, 2005 regarding other elements of the portable music player of claim 13 (rechargeable battery pack; input/output device; memory; data processor; audio coder-decoder; headset connector; base connector including a power connection) all refer to portable apparatus 50 illustrated in Figure 4. The analog output of recording/playback apparatus 10 via digital to analog converter 33, amplifier 34 and speaker 35 does not anticipate the base unit analog output connection recited in claims 13 and 25. Note particularly that claims 13 and 25 each include recitation

of a pre-amplifier, an amplifier and a speaker system which corresponds to digital to analog converter 33, amplifier 34 and speaker 35 of recording/playback apparatus 10 of Min-Jae. Thus the recited base unit analog output connection must be a different structure.

The FINAL REJECTION states at page 4, lines 2 to 16:

" First, applicant states that " The D/A converter 33, amplifier 34 and speaker 35 illustrated in Figure 3 of Min-Jae are part of recording/playback apparatus 10 and not part of portable apparatus 50." is not understood. The claim (claim 1) did not specific recites the self-contained include a separate portable music player and a based connector or the self-contained having a portable music player includes a based connector, therefore, examiner interprets the based connector could be included in the self-contained portable music or separately. If the based connector includes in the portable music player then the feature of " An analog output connection connected to said audio coder-decoder for supplying analog music [to an external based] (this feature has been deleted from claim 1) for amplification and reproduction via speakers " can be seen in Min-Jae's figure 4, analog output 66, amplifier 67 and speaker 68."

This argument appears applicable only to now canceled claim 1. Claim 13 explicitly recites a self-contained, portable music player and base unit with the base unit including a preamplifier, amplifier and speaker system. Claim 13 further recites two operating modes as follows:

"a portable mode wherein said self-contained, portable music player is disconnected from said base unit and powered by said rechargeable battery pack, enabling a user to listen to selected digital music stored in said memory via said headset connector earphone, and

"in a base mode wherein said self-contained, portable music player is connected to said base unit via said first base connector and said second base connector and powered from said power source, enabling a user to listen to selected digital music stored in said memory via said speaker system of said base unit and enabling a user to listen to music from said tuner supplied to said analog input connection of said first base connector."

Thus it is clear that the recited analog output connection of the second base connector is separate from the pre-amplifier, amplifier and speaker system of the base unit which corresponds to D/A converter 33, amplifier 34 and speaker 35 of Min-Jae. Claim 13 separately recites "a headset connector connected to the audio coder-decoder," "a player analog output connection" and "a analog input connection." Thus the analog input connection of the first base connector of claim 13 cannot be the analog output 66, amplifier 67 and speaker 69 on Min-Jae. Claim 25 separately recites "a base unit analog output connection," "a preamplifier," "a power amplifier" and "a speaker system." Accordingly, since the recited pre-amplifier, power amplifier and speaker system correspond to D/A converter 33, amplifier 34 and speaker 35 of Min-Jae, then the base unit analog output connection must be something different.

The Applicant respectfully submits that the only connection between recording/playback apparatus 10 and portable apparatus 50 of Min-Jae is a digital connection and not the analog connection recited in claims 13 and 25. Figure 3 of Min-Jae illustrates base unit 10 including connector 27 and interface driver 26. Figure 4 of Min-Jae illustrates portable apparatus 50 including connector 60 selectively connectable to connector 27 and interface driver 59. Min-Jae states at column 14, lines 5 to 12:

"As shown in FIG. 2, the recording/playback apparatus 10 also has a connector 27 for connecting the portable apparatus 50 thereto. With the connector 27 put in a state of being engaged with a connector 60 of the portable apparatus 50, the CPU 11 is capable of communicating various kinds of data with the portable apparatus 50 by way of an interface driver 26. For example, an audio file stored in the HDD 15 can be transferred to the portable apparatus 50."

This clearly states that data from HDD 15 can be transmitted from base unit 10 to portable apparatus 50 via connector 27 and connector 27. This data path presumably also includes connector 60 and interface driver 59. Min-Jae states at column 11, lines

50 and 51 that "HDD" means "hard disk drive." Such a hard disk drive is known to store digital data and not analog data. Min-Jae states at column 18, lines 45 to 48:

"To put it in detail, the audio file is transferred from the HDD 15 to the HDD 54 by way of the interface drivers 26 and 59 to be recorded into the HDD 54."

Since both HDD 15 and HDD 54 are disclosed as a type of apparatus that stores digital data, the interface drivers 26 and 59 handle digital data and thus interface driver 26 and interface driver 60 also handle digital data. One skilled in the art would understand this connection between connectors 27 and 60 is a digital data connection and not the analog output connection recited in claims 13 and 25 nor the analog input connection recited claim 13. The OFFICE ACTION of November 15, 2005 does not point out any portion of Min-Jae disclosing an analog connection as recited in claims 13 and 25. The Applicant submits that Min-Jae teaches no such analog connection. The FINAL REJECTION states at page 5, lines 1 to 12:

"The information data (music) of this instant application are stored on disc drive 111 (CD player, figure 1) or flash memory 104, these medium are typical of digital information data storage medium (the music are stored inform of tracks on CD or files on flash memory), which is the same form of information data on MIN-JAE's music player. This is clearly indicated that the information data exchanges between two or more digital storage devices do not necessary having a digital connector. Further, in column 14, lines 40-46 MIN-JAE teaches that 'By putting the connectors 27 and 60 in an engaged state, the recording/playback apparatus 10 is electrically connected to the portable apparatus 50'."

The Applicants respectfully submit this connecting of connectors 27 and 60 in Min-Jae is limited to digital signals. Min-Jae includes general descriptions of connectors 27 and 60 at column 10, lines 18 to 27 and column 14, lines 40 to 46. These general descriptions fail to specify whether connectors 27 and 60 communicate digital signals or analog signals. As shown above,

all the detailed descriptions of the signals these connectors 27 and 60 communicate are limited to digital signals. One skilled in the art reading this description as a whole would believe that the teachings of Min-Jae are limited to the described digital signals and not the claimed analog signals. Min-Jae discloses the connection operates with devices known to handle digital data and does not explicitly disclose the recited analog connection. Accordingly, Min-Jae fails to anticipate the analog connection recited in claims 13 and 25. The above quoted portion of the FINAL REJECTION appears to argue that this application teaches digital data sources in the portable music system and the base unit and analog connection, thus the Min-Jae teaching of digital data sources does not preclude the recited analog connection. However, this application specifically teaches the claimed analog connections while Min-Jae does not. Thus claims 13 and 25 are allowable over Min-Jae.

The FINAL REJECTION states at page 4, line 17 to page 5, line 13:

"Second, applicant states that the connection between portable device 50 and base unit 10 in reference of MIN-JAE is digital and not an analog connection since the information data (music) are stored on hard disks 15 and 54 are digital information data. This is not found persuasive.

The information data (music) of this instant application are stored on disc drive 111 (CD player, figure 1) or flash memory 104, these medium are typical of digital information data storage medium (the music are stored inform of tracks on CD or files on flash memory), which is the same form of information data on MIN-JAE's music player. This is clearly indicated that the information data exchanges between two or more digital storage devices do not necessary having a digital connector. Further, in column 14, lines 40-46 MIN-JAE teaches that "By putting the connectors 27 and 60 in an engaged state, the recording/playback apparatus 10 is electrically connected to the portable apparatus 50 ". This connector is analog connector. Accordingly, claims 1 and 25 are still read on the reference of MIN-JAE."

This is correct. However, this application specifically teaches analog audio connections 119 (page 7, lines 24 to 26) and 121

(page 6, lines 25 to 28) illustrated in Figure 1. Thus Min-Jae teaches only digital audio connections and this application teaches and recites in claims 13 and 25 analog connections.

Claims 13 and 25 recite subject matter not anticipated by Min-Jae. Claims 13 and 25 recite "a tuner for receiving and demodulating analog audio signals." Claim 13 further recites "said tuner supplying said analog audio signals to said base unit analog output connection" and claim 25 further recites "a base unit analog output connection connected to said tuner to output demodulated analog audio signals." The FINAL REJECTION of April 25, 2006 incorporates the reasoning of OFFICE ACTION of November 11, 2005 which incorporates the reasoning of the FINAL REJECTION of August 12, 2005 which at page 6, lines 13 to 16 cites Min-Jae at column 8, lines 58 to 63 as anticipating this subject matter. Min-Jae states at column 8, lines 58 to 63:

"As shown in FIG. 2, the recording/playback apparatus 10 is designed as equipment having a type of the so-called cassette tape recorder/player having a radio so that it is suitable for use by the user typically at home. It is needless to say that the recording/playback apparatus 10 can also be designed as component-type equipment."

This portion of Min-Jae teaches a radio as part of the recording/playback apparatus 10. However, Min-Jae includes no teaching that recording/playback apparatus 10 transmits an analog signal to portable apparatus 50 as required by the above quoted portions of claims 13 and 25. Accordingly, claims 13 and 25 are allowable over Min-Jae.

The FINAL REJECTION states at page 6, lines 3 to 18:

"Fourth, applicant states that Min-Jae includes no teaching that recording/playback apparatus 10 transmits an analog signal to portable apparatus 50 as required by the above quoted portions of claims 13 and 25. As far as interpreted by the Examiner, the languages of claim 13, such as, " a tuner for receiving and demodulating analog audio signals " and " tuner supplying analog signals to base unit analog output connector " ( claim 13 ) and " a base unit analog

output connection connected to tuner to output demodulated analog audio signals " do not mean that the recording/playback apparatus 10 transmits an analog signal to portable apparatus 50 as applicant argued. These features simply means the base unit includes a radio tuner for receiving broadcast signal, demodulates this broadcast signal and output to speakers in the base unit. This feature is clearly shown in Min-Jae's portable audio player wherein the radio signal is received and outputted at speaker 35."

This is incorrect. Claim 13 recites an analog input connection as part of the first base connector within the self-contained, portable music player, a base unit analog output connection as part of the second base connector within the base unit connected to the analog input connection of the first base connector and a tuner "supplying said analog audio signals to said base unit analog output connection" and further recites "enabling a user to listen to music from said tuner supplied to said analog input connection of said first base connector." Claim 25 recites only the portable unit including a tuner and "a base unit analog output connection unit connected to said tuner to output demodulated analog audio signals." Thus the arguments above correspond to the scope of these claims and distinguish over Min-Jae.

Claims 14, 36 and 40 recite additional subject matter not anticipated by Min-Jae. Claim 14 recites "said data processor is further programmed in cooperation with input device enabling a user to enter volume control data via said keypad," the first base connector includes "a volume data output connection for transmission of volume control data from the self-contained, portable music player," the second base connector includes "a volume data input connection for connection to said volume data output connection" and the pre-amplifier is "further connected to said volume data input connection and producing an amount of amplification corresponding to the volume control data." Claim 36 recites "said data processor is further programmed in cooperation with input device enabling a user to enter volume

control data via said keypad" and "a volume data connection for transmission of volume control data from the self-contained, portable music player." Claim 40 recites the base connector includes a "volume data input connection for receiving of volume control data" and the pre-amplifier is connected to "said volume data input connection and producing an amount of amplification corresponding to the volume control data." These claim cover various aspects of a technique where a volume control input made at the self-contained, portable music player be converted to volume control data, that volume control data be transmitted to the base unit which controls the "amount of amplification" at the base unit. Claim 36 recites only the portable music player, claim 40 recites only the base unit and claim 14 recites both the portable music player and the base unit. The FINAL REJECTION of April 25, 2006 incorporates the reasoning of the OFFICE ACTION of November 15, 2005 which incorporates the reasoning of the FINAL REJECTION of August 12, 2005 which states at page 5, lines 4 to 7:

"As to claims 2, 14 and 26, MIN-JAE shows the volume can be control from portable player or base unit (Fig. 2, volume control on panel operation unit 20 and in portable player 50, figure 4, via connector 27 and USB bus B1, B2)."

The Applicants submit that this is incorrect. Min-Jae fails to teach that any input operation made at portable apparatus 50 controls operation at base recording/playback apparatus 10. Min-Jae states at column 14, lines 50 to 56:

"When any of the operators Kb which serve as the panel operation unit 56 is operated, an operation signal requesting an operation to be carried out by the portable apparatus 50 is output by the panel operation unit 56 to a control bus B2. The portable apparatus 50 then carries out the operation requested by the operation signal."

This states that inputs at panel operation unit 56 controls operation at the portable apparatus 50. This does not anticipate

that input at panel operation unit 56 enables generation of volume control data as recited in claims 14 and 29 nor that the base unit receives volume control data and produces an amount of amplification corresponding to this volume control recited in claims 14 and 40. The above quoted paragraph of the FINAL REJECTION denotes a pathway disclosed in Min-Jae where it feasible to transmit the recited volume control However, Min-Jae fails to provide any indication that this path is used in this way. The Applicant submits that one skilled in the art would believe that panel operation unit 20 is used to control recording/playback unit 10 and panel operation unit 56 is used to control portable apparatus 50. In the absence of any indication within Min-Jae that transmission of volume control data between portable apparatus 50 and recording/playback unit 10 is feasible or desirable, Min-Jae fails to anticipate this recited subject matter. The FINAL REJECTION states at page 5, line 14 to page 6, line 2:

"Third, applicant states that claims 2,14,36,38 and 40 require that a volume control input made at the self-contained, portable music player be converted to volume control data, that volume control data be transmitted to the base unit which controls the amount of amplification at the base unit. However, these features are not exist in claims 2,14,36,38 and 40. As far as interpreted by the Examiner, the languages in these claims means that, in base mode the audio from memory can be reproduced on speakers of base unit. This feature is shown in MIN-JAE's portable audio player since the audio data from both portable player 50 and base unit 10 can be exchangeable and played back at speaker 35 of base unit 10."

As stated above, these claims cover various aspects of the technique with claim 36 reciting only the portable music player, claim 40 reciting only the base unit and claim 14 reciting both the portable music player and the base unit. However, each of these claims recites volume control data and supplying volume control data to a connector, receiving volume control data from a connector or both. The Examiner has cited no portion of Min-Jae

as allegedly anticipating the volume control data recited in claims 14, 36, 38 and 40. Accordingly, claims 14, 36 and 40 are allowable over Min-Jae et al.

The FINAL REJECTION states at page 5, line 14 to page 6, line 2:

"Third, applicant states that claims 2,14,36,38 and 40 require that a volume control input made at the self-contained, portable music player be converted to volume control data, that volume control data be transmitted to the base unit which controls the amount of amplification at the base unit. However, these features are not exist in claims 2,14,36,38 and 40. As far as interpreted by the Examiner, the languages in these claims means that, in base mode the audio from memory can be reproduced on speakers of base unit. This feature is shown in MIN-JAE's portable audio player since the audio data from both portable player 50 and base unit 10 can be exchangeable and played back at speaker 35 of base unit 10."

This is incorrect. Claim 14 recites the data processor "is further programmed in cooperation with said input device enabling a user to enter volume control data via said keypad." Base claim 13 recites the data processor and the input device only as part of the self-contained, portable music player. Claim 14 further recites the first base connector "includes a volume data output connection for transmission of volume control data from the selfcontained, portable music player" and the second base connector "includes a volume data input connection for connection to said volume data output connection." Base claim 13 recites the first base connector only as part of the self-contained, portable music player and the second base connector only as part of the base unit. Claim 14 recites the pre-amplifier is "connected to said input connection and producing an volume data amount amplification corresponding to the volume control data." Base claim 13 recites the pre-amplifier only as part of the base unit. Claim 36 recites only the self-contained, portable music player thus limiting the production of volume control data to the portable unit and further recites a volume control data output

for this volume control data and a base mode "connected to a base unit via said base connector and powered via said power connector, enabling a user to listen to selected digital music stored in said memory via said analog output connection and control listening volume via said volume control data." Claim 40 recites only the base unit including a volume control data input connection of a base connector and a pre-amplifier " further connected to said volume control data input connection and producing an amount of amplification corresponding to the volume control data." Thus the arguments above correspond to the scope of these claims and distinguish over Min-Jae.

Claims 30 and 31 recite subject matter not anticipated by Min-Jae. Claim 30 recites the base connector of the player includes "a digital data bus connection for bidirectional data exchange" and that the data processor of the player is further connected to the digital data bus connection "for communicating station selection data corresponding to inputs received from said input/output device" via the digital data bus connection to the base unit. Claims 30 and 31 recite a base connector including a "digital data bus connection." Claim 30 recites this digital data bus connection is "for connection to said first digital data bus connection." Claim 31 recites this digital data bus connection is "for receiving digital data including station selection data." Lastly, claims 30 and 31 recites that the tuner is connected to this digital data bus connection and selects "a station corresponding to said station selection data." recitations provide the tuner in the base unit with station selection made by the input/output device of the portable unit with station selection data transferred by a digital data bus from the self-contained, portable music player. This subject matter is not anticipated by Min-Jae. Min-Jae teaches that recording/playback unit 10 includes a radio but fails to teach the transmission of station selection data via a digital data The FINAL REJECTION of April 25, 2006 incorporated the

arguments of OFFICE ACTION of November 15, 2005 which incorporates the previous rejections of the FINAL REJECTION of August 12, 2005 which denotes a pathway disclosed in Min-Jae where it is feasible to transmit the recited station selection data. However, Min-Jae fails to provide any indication that this path is used in this way. The Applicant submits that one skilled in the art would believe that panel operation unit 20 is used to control recording/playback unit 10 to make any station selection. In the absence of any indication within Min-Jae that transmission of station selection data between portable apparatus 50 and recording/playback unit 10 is feasible or desirable, Min-Jae fails to anticipate this recited subject matter. Accordingly, claims 30 and 31 are not anticipated by Min-Jae.

The FINAL REJECTION states at page 6, line 19 to page 7, line 3:

"Fifth, the bidirectional data bus of claims 29-31 is shown in Min-Jae's figures 3 and 4, the data bus for connecting between portable player 50 and base unit 10. It is noted that the data between portable player 50 and base unit 10 are exchangeable which means that the panel operation unit 56 in portable player 50 could be used to control the operation of the base unit 10. This reason is also applied to claims 37,39,42 and 43."

While Min-Jae teaches that data may be interchanged between portable player 56 and base unit 10, Min-Jae fails to teach that portable player 56 generates station selection data which is transmitted to base unit 10 for selection of the station in the radio in base unit 10. Accordingly, claims 30 and 31 are not anticipated by Min-Jae.

Claims 37, 41, 42 and 44 recite subject matter not anticipated by Min-Jae. Claims 37 and 42 recite the said data processor being "programmed in cooperation with said input device enabling a user to enter station selection data via said keypad." Claims 37 and 42 further recite "communicating station selection

data corresponding to inputs received from said input device via said station selection output connection." Claims 41 and 44 recite "selecting a station corresponding to said station selection data." Regarding claims 37, 42 and 43, the FINAL REJECTION states at page 6, line 19 to page 7, line 3:

"Fifth, the bidirectional data bus of claims 29-31 is shown in Min-Jae's figures 3 and 4, the data bus for connecting between portable player 50 and base unit 10. It is noted that the data between portable player 50 and base unit 10 are exchangeable which means that the panel operation unit 56 in portable player 50 could be used to control the operation of the base unit 10. This reason is also applied to claims 37,39,42 and 43."

This provides an argument that the station select data is anticipated by Min-Jae but includes no indication where Min-Jae anticipates this subject matter. Min-Jae fails to teach the provision of receipt of station selection data at the portable music player that is implemented on a tuner in the base unit. Accordingly, claims 37, 41, 42 and 44 are allowable over Min-Jae.

(2) Claims 26, 32 to 35 and 44 were rejected under 35 U.S.C. 103(a) as made obvious by Min-Jae U.S. Patent No. 6,222,807.

Claim 26 recites subject matter not made obvious by Min-Jae. Claim 26 recites the base connector includes a "volume data input connection for receiving of volume control data" and the preamplifier is connected to "said volume data input connection and producing an amount of amplification corresponding to the volume control data." This claim requires that volume control data received at an input control the "amount of amplification" at the base unit. The FINAL REJECTION incorporates the reasoning of the OFFICE ACTION of November 15, 2005 which states at page 7, lines 1 to 15:

"M1N-JAE discloses all the subject matter as claimed in claims 26, 40 and 41, except to specifically shows that

the base unit receives the volume control from the portable player. It would have been obvious to someone within the level of skill in the art at the time of the invention was made to modify the audio player system of MIN-JAE by locating a volume control in portable player. The rationale is as follows: The volume controller is old and widely used in the recording art for controlling the volume of the audio signal ( See MIN-JAE's figure 2, control button Ka, portable player 50 with various control buttons ), the volume controller can be placed at any suitable locations on any audio players. Therefore, one of ordinary skill in the art at the time of the invention was made would have been motivated to arrange a volume control on portable player 50 of MIN-JAE's audio player system for controlling the volume of the base unit 10 as claimed."

This is an argument why Min-Jae makes obvious the recitation of the portable unit supplying volume control data to the base unit. However, this points out no evidence that one skilled in the art would modify Min-Jae as suggested. Firstly, Min-Jae discloses separate user controls for recording/playback apparatus 10 and portable apparatus 50. Min-Jae states at column 10, lines 49 to 53:

"When the panel operation unit 20 is operated, one of a plurality of operation signals for carrying out a variety of operations of the recording/playback apparatus 10 is generated. The recording/playback apparatus 10 then operates in accordance with the generated operation signal."

Min-Jae also states at column 15, lines 47 to 56:

"The portable apparatus 50 has operators such as pushtype and rotary-type keys serving as a panel operation unit 56. That is to say, a variety of operators Kb shown in FIG. 2 correspond to the panel operation unit 56. When any of the operators Kb which serve as the panel operation unit 56 is operated, an operation signal requesting an operation to be carried out by the portable apparatus 50 is output by the panel operation unit 56 to a control bus B2. The portable apparatus 50 then carries out the operation requested by the operation signal."

The Applicants respectfully submit that one skilled in the art viewing these disclosures would understand that operation of

recording/playback apparatus 10 is controlled by panel operation unit 20 and operation of portable apparatus 50 is controlled by panel operation unit 56. Secondly, the OFFICE ACTION of November 15, 2005 fails to point out any disclosure of Min-Jae of one apparatus 10 or 50 sending control signals to control operations at the other apparatus. The Applicants believe there is no such disclosure. Thus Min-Jae provides no evidence to support the Examiner's argument that the particular combination of claim 26 is obvious. In the absence of any indication within Min-Jae that transmission of volume control data between portable apparatus 50 and recording/playback unit 10 is feasible or desirable, Min-Jae fails to make obvious this recited subject matter. Accordingly, claim 26 is allowable over Min-Jae et al.

The FINAL REJECTION states a page 7, lines 11 to 15:

"Eighth, the reason for rejecting of claims 26,32-35,40,41 and 44 are clearly provide in last Office action (it is noted that, pre-amplifier and amplifier are included in every audio player since without these devices the audio cannot be reproduced at the speakers."

Insisting that the prior rejection was proper does not point to evidence in the reference of obviousness. The existence of a pre-amplifier and amplifier "in every audio player" does not make obvious the base unit receiving volume control data via a connector and controlling playback volume accordingly. Thus claim 26 is allowable over Min-Jae.

Claims 32 and 33 recite subject matter not made obvious by Min-Jae. Claims 32 and 33 recite the base unit "includes no volume control input." This limitation is in accordance with the system illustrated in Figure 1 where there is no illustration of a volume control in the base unit. Figure 2 of Min-Jae clearly illustrates controls on both recording/playback apparatus 10 and portable apparatus 50. The FINAL REJECTION of April 25, 2006

incorporates the reasoning of the OFFICE ACTION of November 15, 2005 which states at page 7, lines 16 to 18:

"As to claims 32-35 and 44, to locate the volume control and selection input in any suitable locations of the audio player system is found to be within the level of skill in the art."

While this is an argument that this subject matter is obvious, this is not evidence of obviousness. Min-Jae discloses separate user controls for recording/playback apparatus 10 and portable apparatus 50 at column 10, lines 49 to 53 and at column 15, lines 47 to 56. The Applicants respectfully submit that one skilled in the art viewing these disclosures would understand that operation of recording/playback apparatus 10 is controlled by panel operation unit 20 and operation of portable apparatus 50 is controlled by panel operation unit 56. The FINAL REJECTION incorporates the arguments of the OFFICE ACTION of November 15, 2005 which fails to point out any disclosure of Min-Jae of omission of a volume control at recording/playback apparatus 10. The Applicants believe there is no such disclosure. Thus Min-Jae provides no evidence to support the Examiner's argument that the particular combination of claims 32 and 33 is obvious. absence of any indication within Min-Jae that transmission of control apparatus volume data between portable recording/playback unit 10 is feasible or desirable, Min-Jae fails to make obvious this recited subject matter. Accordingly, claims 32 and 33 are allowable over Min-Jae et al.

The FINAL REJECTION states at page 7, lines 16 to 21:

"Ninth, claims 32-35 and 44 recite the negative limitation such as "base unit includes no volume control input ". It clearly obvious to someone within the level of skill in the art to eliminate the volume control input on the base unit 10 of Min-Jae's portable audio player since to eliminate any desirable elements on audio player is just a matter of design choice."

The Applicants submit that it is not obvious to eliminate a volume control input without make other provision for control of the playback volume. This application teaches entry of volume control data via a keypad on the self-contained, portable music player which is transmitted to the base unit. This feature is recited in base claims 13 and 25. It is only with this provision of volume control input from another source that the base unit may have no volume control as recited in claims 32 and 33. Since Min-Jae fails to teach such an alternative source of volume control input, thus it cannot make obvious the provision of no volume control in the base unit as recited in claims 32 and 33. Accordingly, claims 32 and 33 are allowable over Min-Jae.

Claims 34, 35 and 44 recite subject matter not anticipated by Min-Jae. Claims 34 and 35 recite "said base unit includes no station selection input." Claim 44 similarly recites "said base unit having no input for station selection." This limitation is in accordance with the system illustrated in Figure 1 where there is no illustration of a station selection in the base unit. Figure 2 of Min-Jae clearly illustrates controls on both recording/playback apparatus 10 and portable apparatus 50. The FINAL REJECTION incorporates the arguments of the OFFICE ACTION of November 15, 2005 which states at page 7, lines 16 to 18:

"As to claims 32-35 and 44, to locate the volume control and selection input in any suitable locations of the audio player system is found to be within the level of skill in the art."

While this is an argument that this subject matter is obvious, this is not evidence of obviousness. Min-Jae discloses separate user controls for recording/playback apparatus 10 and portable apparatus 50 at column 10, lines 49 to 53 and at column 15, lines 47 to 56. The Applicants respectfully submit that one skilled in the art viewing these disclosures would understand that operation of recording/playback apparatus 10 is controlled by panel

operation unit 20 and operation of portable apparatus 50 is controlled by panel operation unit 56. The OFFICE ACTION of November 15, 2005 fails to point out any disclosure of Min-Jae of omission of a station selection input at recording/playback apparatus 10. The Applicants believe there is no such disclosure. Thus Min-Jae provides no evidence to support the Examiner's argument that the particular combination of claims 34, 35 and 44 is obvious. In the absence of any indication within Min-Jae that transmission of volume control data between portable apparatus 50 and recording/playback unit 10 is feasible or desirable, Min-Jae fails to make obvious this recited subject matter. Thus claims 34, 35 and 44 are allowable over Min-Jae.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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Respectfully submitted,

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# CLAIMS APPENDIX

1	13. A music system comprising:
2	a self-contained, portable music player including
3	a rechargeable battery pack for powering the music
4	player,
5	an input device including at least a keypad for
6	receiving user inputs;
7	an output device including a display;
8	a memory capable of storing digital music in at least
9	one compressed digital format,
10	a data processor connected to said input device, said
11	output device and said memory, said data processor
12	programmed to decompress said digital music into
13	uncompressed digital music samples,
14	an audio coder-decoder connected to said data processor
15	for receiving said uncompressed digital music samples from
16	said data processor and converting said uncompressed digital
17	music samples into analog music,
18	a headset connector connected to said audio coder-
19	decoder for supplying said analog music, and
20	a first base connector including
21	a first power connection connected to said
22	rechargeable battery pack capable of receiving charging
23	power, and
24	a player analog output connection connected to
25	said audio coder-decoder for supplying said analog
26	music, and
27	an analog input connection connected to said audio
28	coder-decoder for receiving an analog input; and
29	a base unit including
30	a second base connector including
31	a second power connection for connection to said
32	first power connection,

an analog input connection for connection to said player analog output connection of said first base connector.

- a base unit analog output connection for connection to said analog input connection of said first base connector,
- a power source connected to said second power connection for supplying recharging power for said rechargeable battery pack,
- a pre-amplifier having an input connected to said analog input connection and an output,
- a power amplifier having an input connected to said output of said pre-amplifier and an output,
- a tuner for receiving and demodulating analog audio signals, said tuner supplying said analog audio signals to said base unit analog output connection, and
- a speaker system connected to said output of said power amplifier for reproducing sound corresponding to said output of said power amplifier,

wherein the music system operates in

a portable mode wherein said self-contained, portable music player is disconnected from said base unit and powered by said rechargeable battery pack, enabling a user to listen to selected digital music stored in said memory via said headset connector earphone, and

in a base mode wherein said self-contained, portable music player is connected to said base unit via said first base connector and said second base connector and powered from said power source, enabling a user to listen to selected digital music stored in said memory via said speaker system of said base unit and enabling a user to listen to music from said tuner supplied to said analog input connection of said first base connector.

#### 14. The music system of claim 13, wherein:

said data processor is further programmed in cooperation 2 3 with said input device enabling a user to enter volume control 4 data via said keypad;

said first base connector further includes a volume data output connection for transmission of volume control data from the self-contained, portable music player;

said second base connector further includes a volume data 9 input connection for connection to said volume data output 10 connection; and

11 said pre-amplifier is further connected to said volume data input connection and producing an amount of amplification 12 13 corresponding to the volume control data.

- 1 25. A base unit for use with a self-contained, portable 2 music player comprising:
- 3 a tuner for receiving and demodulating analog audio signals; 4 a base connector including
- 5 a power connection,

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- 6 an analog input connection for receiving an analog 7 input,
- 8 a base unit analog output connection connected to said 9 tuner to output demodulated analog audio signals;
- 10 a power source connected to said power connection for 11 supplying recharging power for the self-contained, portable music 12 player;
- 13 a pre-amplifier having an input connected to said analog input connection and an output, 14
- 15 a power amplifier having an input connected to said output 16 of said pre-amplifier and an output, and
- 17 a speaker system connected to said output of said power 18 amplifier for reproducing sound corresponding to said output of 19 said power amplifier.
  - The base unit of claim 25, wherein: 26.

said base connector further includes a volume data input connection for receiving of volume control data from the self-contained, portable music player;

said pre-amplifier is further connected to said volume data input connection and producing an amount of amplification corresponding to the volume control data.

30. The music system of claim 13, wherein:

said self-contained, portable music player wherein

said first base connector further includes a first digital data bus connection for bidirectional data exchange and

said data processor being further connected to said first digital data bus connection of said base connector for communicating station selection data corresponding to inputs received from said input device via said first digital data bus connection to the base unit;

said base unit wherein

said second base connector further includes a second digital data bus connection for connection to said first digital data bus connection for receiving digital data including station selection data, and

said tuner being connected to said second digital data bus connection and further selecting a station corresponding to said station selection data.

### 31. The base unit of claim 25, wherein:

said base connector further includes a digital data bus connection for receiving digital data including station selection data; and

said tuner being connected to said digital data bus connection and further selecting a station corresponding to said station selection data.

- 1 32. The music system of claim 14, wherein:
- 2 said base unit includes no volume control input.
- 1 33. The base unit of claim 26, wherein:
- 2 said base unit includes no volume control input.
- 1 34. The music system of claim 30, wherein:
- 2 said base unit includes no station selection input.
- 1 35. The base unit of claim 31, wherein:
- 2 said base unit includes no station selection input.
- 1 36. A self-contained, portable music player comprising:
- 2 a rechargeable battery pack for powering the music player;
- an input device including at least a keypad for receiving user inputs;
- 5 an output device including a display;
- a memory capable of storing digital music in at least one compressed digital format;
- 8 a data processor connected to said input device, said output
- 9 device and said memory, said data processor programmed to
- 10 decompress said digital music into uncompressed digital music
- 11 samples, said data processor further programmed in cooperation
- 12 with said input device enabling a user to enter volume control
- 13 data via said keypad;
- an audio coder-decoder connected to said data processor for
- 15 receiving said uncompressed digital music samples from said data
- 16 processor and converting said uncompressed digital music samples
- 17 into analog music;
- 18 a headset connector connected to said audio coder-decoder
- 19 for supplying said analog music; and
- 20 a base connector including
- a power connection connected to said rechargeable
- 22 battery pack capable of receiving charging power,

an analog output connection connected to said audio coder-decoder for supplying said analog music for amplification and reproduction via speakers, and

a volume control data output connection for transmission of volume control data from the self-contained, portable music player; and

wherein the self-contained, portable music player operates in

a portable mode disconnected from a base unit and powered by said rechargeable battery pack, enabling a user to listen to selected digital music stored in said memory via said headset connector, and

in a base mode connected to a base unit via said base connector and powered via said power connector, enabling a user to listen to selected digital music stored in said memory via said analog output connection and control listening volume via said volume control data.

1 37. The self-contained, portable music player of claim 36, wherein:

said base connector further includes a station selection data output connection; and

said data processor being further programmed in cooperation with said input device enabling a user to enter station selection data via said keypad, said data processor being further connected to said station selection data output connection of said base connector for communicating station selection data corresponding to inputs received from said input device via said station selection output connection.

- 1 40. A base unit for use with a self-contained, portable 2 music player comprising:
- 3 a base connector including
- 4 a power connection,

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- 5 an analog input connection for receiving an analog input,
- 7 a volume control data input connection for receiving 8 volume control data;
- 9 a power source connected to said power connection for 10 supplying recharging power for the self-contained, portable music 11 player;
- a pre-amplifier having an input connected to said analog input connection and an output, said pre-amplifier further connected to said volume control data input connection and producing an amount of amplification corresponding to the volume control data;
- 17 a power amplifier having an input connected to said output 18 of said pre-amplifier and an output;
- a speaker system connected to said output of said power amplifier for reproducing sound corresponding to said output of said power amplifier;
- said base unit having no input for volume control.
  - 1 41. The base unit of claim 40, wherein:
  - 2 said base connector further includes a station selection 3 data input connection for receiving station selection data;
    - said base unit further including a tuner for receiving and demodulating analog audio signals and connected to said station selection data input connection of said base connector for selecting a station corresponding to said station selection data; and
  - 9 said base unit having no input for station selection.
  - 1 42. A self-contained, portable music player comprising:
  - 2 a rechargeable battery pack for powering the music player;
  - 3 an input device including at least a keypad for receiving
  - 4 user inputs;

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5 an output device including a display;

a memory capable of storing digital music in at least one compressed digital format;

a data processor connected to said input device, said output device and said memory, said data processor programmed to decompress said digital music into uncompressed digital music samples, said data processor further programmed in cooperation with said input device enabling a user to enter station selection data via said keypad;

an audio coder-decoder connected to said data processor for receiving said uncompressed digital music samples from said data processor and converting said uncompressed digital music samples into analog music;

a headset connector connected to said audio coder-decoder for supplying said analog music; and

a base connector including

a power connection connected to said rechargeable battery pack capable of receiving charging power,

an analog output connection connected to said audio coder-decoder for supplying said analog music for amplification and reproduction via speakers, and

a station selection data output connection for transmission of station selection data from the selfcontained, portable music player; and wherein the self-contained, portable music player operates in

a portable mode disconnected from a base unit and powered by said rechargeable battery pack, enabling a user to listen to selected digital music stored in said memory via said headset connector, and

in a base mode connected to a base unit via said base connector and powered via said power connector, enabling a user to listen to selected digital music stored in said memory via said analog output connection and control station selection of a tuner via said station selection data.

- 1 44. A base unit for use with a self-contained, portable 2 music player comprising:
- 3 a base connector including
- 4 a power connection,

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- 5 an analog input connection for receiving an analog input,
- 7 a station selection data input connection for receiving 8 station selection data;
- 9 a power source connected to said power connection for 10 supplying recharging power for the self-contained, portable music 11 player;
- 12 a pre-amplifier having an input connected to said analog 13 input connection and an output;
- 14 a power amplifier having an input connected to said output 15 of said pre-amplifier and an output;
- a speaker system connected to said output of said power amplifier for reproducing sound corresponding to said output of said power amplifier;
  - a tuner for receiving and demodulating analog audio signals and connected to said station selection data input connection of said base connector for selecting a station corresponding to said station selection data; and
- said base unit having no input for station selection.

# Evidence Appendix

None

# Related Proceedings Appendix

None